

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 NEA-10 ISO-00 SSO-00 PM-04 CIAE-00

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FM USINT BAGHDAD

TO SECSTATE WASHDC IMMEDIATE 2379

AMEMBASSY BEIRUT PRIORITY

INFO AMEMBASSY TEHRAN PRIORITY

AMEMBASSY KUWAIT

AMEMBASSYHSNKARA

AMEMBASSY BOMBAY

AMEMBASSY CAIRO

AMEMBASSY DAMASCUS

AMEMBASSY FRANKFURT

AMEMBASSY KARACHI

AMEMBASSY LONDON

C O N F I D E N T I A L BAGHDAD 0985

E.O. 11652: GDS

TAGS: OCLR, IZ

SUBJ: CIVIL AVIATION FLIGHT CLEARANCES

REF: BAGHDAD 0971 (NOTAL)

1. SUMMARY: IRAQI CIVIL AVIATION OFFICIALS HAVE REITERATED DOCTRINE APPARENTLY IN FORCE SINCE 1967 BREAK IN US-IRAQI DIPLOMATIC RELATIONS THAT PAM-AM IS ONLY EXCEPTION TO RULE THAT US REGISTERED AIRCRAFT ARE DENIED LANDING AND OVERFLIGHT RIGHTS IN IRAQ. GIVEN IRAQI UNEASINESS ABOUT RECENT SYRIAN AIRFORCE INCURSIONS INTO IRAQI AIRSPACE, UNAUTHORIZED OVERFLIGHT BY US REGISTERED AIRCRAFT, SUCH AS ALLEGEDLY TOOK PLACE SEPT. 2ND IS FOLLY. ACTION REQUESTED: - DEPT NOTIFY AIRFAC, KANSAS CITY AND OTHER US COMPANIES PLANING OVERFLY IRAQ OF GOI PROHIBITION; B. RECOMMEND BAGHDAD VISIT BY CIVIL
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AVIATION OFFICERS AMEMBASSY BEIRUT; C. REQUEST INSTRUCTIONS

SEEK CLARIFICATION OF PROHIBITION WITH GOI MFA. END SUMMARY.

2. AS REPORTED REFTEL, USINT E/C OFFICER WAS TOLD DURING SEPTEMBER 17 MEETING AT GOI DIRECTORATE OF CIVIAL AVIATION (DGCA) THAT DGCA HAS STANDING ORDERS TO DENY OVERFLIGHT CLEARANCE OR LANDING PERMISSION TO ALL US-REGISTERED AIRCRAFT EXCEPT PAN-AMERICAN. MEETING WAS ATTENDED BY FOUR IRAQIS INCLUDING DGCA OFFICERS RESPONSIBLE FOR FLIGHT CLEARANCES AND FOR TRAFFIC CONTROL. PROBABLY FIRST DIRECT FACE-TO-FACE CONTACT BETWEEN USINT AND DGCA SINCE 1967--SINCE NUMEROUS PREVIOUS REQUESTS BY USINT AMERICAN OFFICERS FOR SUCH MEETING HAD BEEN DECLINED WITH INSTRUCTIONS TO GO THROUGH MFA. THIS PARTICULAR MEETING TOOK PLACE ONLY AFTER FIVE DAYS STRENUOUS EFFORTS ON OUR PART TO SET IT UP AND OBVIOUSLY REQUIRED EXPLICIT CLEARANCE FROM MFA. CONTRIBUTING FACTOR TO DGCA WILLINGNESS TO SET PRECEDENT WAS PROBABLY THEIR OBVIOUS UNHAPPINESS WITH AND EAGERNESS TO TALK ABOUT ALLEGED VIOLATIONS BY THREE US-REGISTERED BEECHCRAFT BONANZAS ON SEPTEMBER 2ND (REFTEL).

3. DGCA'S DOCTRINE OF DENIAL OF LANDING AND OVERFLIGHT RIGHTS TO ALL US-REGISTERED AIRCRAFT EXCEPT PAM-AMERICAN CAME AS DWS TO ALL CONCERNED STAFF AT USINT. IN INTERIM WE HAVE, HOWEVER, RESEARCHED OUR FILES AND HAVE IN FACT FOUND SOME INDICATIONS OF SUCH A POLICY IN COMMUNICATIONS FROM MFA. THUS IN NOTE OF JULY 9, 1972, MFA SAID: QUOTE WHEREAS AMERICAN AIRCRAFT, EXCEPT AIRCRAFT LEASED BY AIRLINES COMPANIES WORKING IN IRAQ, ARE NOT ALLOWED TO OVERFLY IRAQI TERRITORIES OR LAND AT ITS AIRPORTS--(DGCA) HAS ADVISED CONAKRY AIRPORT OF ITS DISAPPROVAL FOR SAID AIRCRAFT TO OVERFLY IRAQI TERRITORY. UNQUOTE. THIS NOTE WAS DELIVERED A FEW MONTHS PRIOR TO RETURN OF US FSOS TO BAGHDAD AND WAS HANDLED BY BELGIAN OFFICERS.

4. HOWEVER, A HANDWRITTEN, OBSERVATION BY A USINT OFFICER DATED APRIL 18, 1973 ON THE TEXT OF AN MFA NOTE ACKNOWLEDGING RECEIPT OF A REQUEST FOR A FLIGHT CLEARANCE SAYS "MISS BAKR (USINT CONTACT AT MFA) INFORMED ME THAT GOI POLICY REMAINS SAME SINCE 1967--NO OVERFLIGHT BY U.S. A/C PERMITTED."

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5. WHAT MAY HAVE CAUSED USINT, AND PRESUMABLY DEPARTMENT, TO FORGET THIS PROHIBITION IS FACT THAT A NUMBER OF US-REGISTERED AIRCRAFT HAVE IN FACT BEEN CLEARED IN RECENT YEARS..MOST RECENTLY ON JUNE 17, 1975 A CLEARANCE WAS GRANTED FOR LOCKHEED JETSTAR US REGISTRY N100C BRINGING GARRETT CORPORATION CHAIRMAN FORREST N. SHUMWAY AND PARTY TO BAGHDAD.

6. AS NOTED REFTEL DGCA OFFICERS SAID THAT DGCA WOULD HONOR

OVERFLIGHT REQUESTS FOR EXCEPTION TO PROHIBITION IF MADE BY IRANIAN AUTHORITIES THROUGH DIPLOMATIC CHANNELS IN REGARD TO US-REGISTERED AIRCRAFT EN-ROUTE TO GOI AS CONSIGNEE. DGCA OFFICERS SAID THAT THEY WOULD ALSO WAIVE PROHIBITION IF INSTRUCTED TO DO SO "BY HIGHER AUTHORITIES"--MINISTERS OR REVOLUTIONARY COMMAND COUNCIL.

7. IF SHOULD BE NOTED THAT APRIL 1975 FAA INTERNATIONAL FLIGHT INFORMATION MANUAL DOES NOT MENTION THE GOI PROHIBITION.

8. WITH GROWING IRAQI SENSITIVITY TO ALLEGED AIRSPACE INCURSIONS BY SYRIAN JET FIGHTERS, US-REGISTERED AIRCRAFT WHICH FLY OVER IRAQ WITHOUT PERMISSION AND WHICH REFUSE TO LAND WHEN ORDERED TO AS APPARENTLY HAPPENED SEPTEMBER 2 (REFTEL) MAY RUN THE RISK OF INTERCEPTION BY THE IRAQI AIRFORCE (ALTHOUGH NO SUCH THREAT WAS MADE BY DGCA OFFICIALS). WITH THIS IN MIND USINT E/C OFFICER ASKED DGCA GROUP IF THEY WOULD WELCOME VISIT BY FAA OFFICER OR REGIONAL CIVIL AVIATION OFFICER IN BEIRUT TO DISCUSS ALLEGED VIOLATION AND PROBLEM OF FLIGHT CLEARANCES. DGCA OFFICERS SAID THEY WOULD INDEED WELCOME SUCH A VISIT BUT, BECAUSE OF ABSENCE OF US-IRAQI DIPLOMATIC RELATIONS, VISIT WOULD HAVE TO BE CLEARED THROUGH DIPLOMATIC CHANNELS.

9. ACTION REQUESTED: A. RECOMMEND THAT DEPARTMENT URGENTLY NOTIFY AIRFAC IN KANSAS CITY (BAGHDAD 917) AND OTHER FIRMS PLANNING TO SEND US-REGISTERED AIRCRAFT TO IRAN VIA IRAQI AIRSPACE OF GOI PROHIBITION B. RECOMMEND CIVIL AVIATION VISIT FROM AMEMBASSY BEIRUT AS PER PARA 8 ABOVE. C. REQUEST INSTRUCTIONS TO CALL ON MFA TO SEEK CLARIFICATION ON PRESENT POLICY, ITS RAISON D'ETRE AND CONDITIONS UNDER WHICH EXCEPTIONS ARE PERMITTED-WITH AN EYE TO AMENDING FAA INTERNATIONAL FLIGHH INFORMATION MANUAL.

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